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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI`I

VINCENT KHOURY TYLOR and	)	CIVIL NO. 14-00069 JMS-RLP
VINCENT SCOTT TYLOR,	)	(Copyright Infringement)
	)	
Plaintiffs,	)	PLAINTIFFS' FIRST REQUEST FOR
	)	PRODUCTION OF DOCUMENTS
vs.	)	AND THINGS TO DEFENDANT;
	)	EXHIBIT 1; CERTIFICATE OF
MARRIOTT INTERNATIONAL, INC.,	)	SERVICE
a Delaware Corporation, dba	)	
COURTYARD BY MARRIOTT	)	
WAIKIKI BEACH and/or	)	

EXHIBIT A

COURTYARD WAIKIKI BEACH;	)
JOHN DOES 1-10; JANE DOES 1-10;	)
DOE CORPORATIONS 1-10; DOE	)
PARTNERSHIPS 1-10; and DOE	)
ASSOCIATIONS 1-10,	)
	)
Defendants.	)
______________________________	)

PLAINTIFFS' FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS TO DEFENDANT

Plaintiffs request, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that Defendant MARRIOTT INTERNATIONAL, INC. produce for inspection and copying the documents and other things described below.

DEFINITIONS:

As used herein, the following words or phrases shall mean:

A. "Documents" shall mean "writings" and "recordings" and "photographs" as the same are defined in Rule 1001 of the Federal Rules of Evidence and shall include electronically stored information.

B. "Plaintiffs" shall mean and include Plaintiff VINCENT KHOURY TYLOR, Plaintiff VINCENT SCOTT TYLOR, their agents and their employees.

C. "Marriott" shall mean and include Defendant MARRIOTT INTERNATIONAL, INC. and its officers, directors, agents and employees, and its parents, subsidiaries, and predecessors and their officers, directors, agents and employees.

D. “Franchisee” shall mean and include RP/LCPB WAIKIKI HOTEL OWNER, LLC, or other franchisee for COURTYARD BY MARRIOTT WAIKIKI BEACH and/or COURTYARD WAIKIKI BEACH, its officers, directors, agents and employees, and its parents, subsidiaries, and predecessors and their officers, directors, agents and employees; and, KAUAI COCONUT BEACH OPERATOR, LLC., or other franchisee for COURTYARD BY MARRIOTT KAUAI AT COCONUT BEACH and/or COURTYARD KAUAI AT COCONUT BEACH, its officers, directors, agents and employees, and its parents, subsidiaries, and predecessors and their officers, directors, agents and employees.

E. “Hotel Properties” shall mean any of the following hotel properties: COURTYARD BY MARRIOTT WAIKIKI BEACH and/or COURTYARD WAIKIKI BEACH; COURTYARD BY MARRIOTT KAUAI AT COCONUT BEACH and/or COURTYARD KAUAI AT COCONUT BEACH; COURTYARD MAUI KAHULUI AIRPORT; and/or, WAIKOLOA BEACH MARRIOTT RESORT & SPA and/or WAIKOLOA MARRIOTT RESORT & SPA and/or WAIKOLOA MARRIOTT.

F. “Social Media” shall mean Marriott’s or Franchisee’s accounts, web pages, posts, pins, re-pins, shares, tweets or re-tweets referring or related to Hotel Properties (whether directly or by link, hyperlink, framing, or otherwise), or containing, the Uniform Resource Locator (“URLs”) “pinterest.com/cywaikiki/”;

"facebook.com/CourtyardWaikiki"; "facebook.com/CYMaui"; "facebook.com/courtyardkauai"; "pinterest.com/WaikoloaBeachMH/"; "twitter.com/WaikoloaBeachMH"; or any other Marriott or Franchisee account, web pages, posts, pins, re-pins, shares, tweets or re-tweets on Facebook (https://www.facebook.com/), Pinterest (https://www.pinterest.com/), Twitter (https://twitter.com/), Shortstack (http://www.shortstack.com/), Owly (http://ow.ly/), Trip Advisor (http://www.tripadvisor.com/), or, Google+ (https://plus.google.com).

G. "Commercial Website" shall mean any and all web pages referring or related to Hotel Properties (whether directly or by link, hyperlink, framing, or otherwise) or containing the URLs "courtyardwaikiki.com"; "courtyardkauai.com"; "marriott.com/hnmmk"; "marriott.com/hotels/travel/lihku-courtyard-kauai/"; "waikoloamarriott.com"; "marriott.com/hotels/travel/koamc-waikoloa-beach-marriott-resort-and-spa/"; or, any other Marriott or Franchisee web page or website, including web pages referring or related to (whether directly or by link, hyperlink, framing, or otherwise), or containing, the URL "marriott.com."

H. "Images" shall mean any or all photographic works at issue, including any portion or part of any photographic work at issue, shown in Exhibit 1 attached hereto.

DOCUMENTS REQUESTED:

Plaintiffs request that the following documents or things be produced:

1. Any and all documents referring or relating to, or containing, the Images, including Images themselves or any uses of Images in any media (non-electronically or electronically, and whether by hyper-linking, framing, or otherwise).

2. Any and all documents relating or referring to the use of Images on Social Media.

3. Any and all documents relating or referring to the use of Images on Commercial Website.

4. Any and all databases, catalogues or compilations of every kind and description which contain or refer to Images.

5. Any and all documents listing Marriott's and Franchisee's web pages or accounts on Facebook (https://www.facebook.com/), Pinterest (https://www.pinterest.com/), Twitter (https://twitter.com/), Shortstack (http://www.shortstack.com/), Owly (http://ow.ly/), TripAdvisor (http://www.tripadvisor.com/), or, Google+ (https://plus.google.com), or otherwise on Social Media.

6. Any and all documents which Marriott or Franchisee purports to grant a license or permission to Marriott or Franchisee to use any Images.

7. Marriott's franchise agreements with Hotel Properties.

8. Any and all documents relating or referring to rights, duties, obligations, limitation, control, guidance or directive on the use of Marriott's trademarks, trade dress, or trade names by Franchisee or by Hotel Properties on Social Media or Commercial Website, or otherwise in advertising or marketing in any media, electronic, print or otherwise.

9. Any and all documents relating or referring to Marriott's or Franchisee's rights, duties, obligations, agreements (including user agreements and terms of service), policies, guidelines, directives, or procedures on Social Media, specifically on:

a) the creation, establishment, management or control of accounts or web pages on Social Media;

b) the posting (including “posts”, “pins”, “re-pins”, “shares”, “tweets” or “re-tweets” or other similar user action) of content, including any image, on Social Media;

c) the linking (whether directly or by link, hyperlink, framing, or otherwise) of Social Media to Commercial Website, including posting or otherwise inputting Commercial Website URL address information, including hyperlinks, on Social Media;

d) licenses for content or any images for use on Social Media;

e) implementation or coordination of marketing or advertising, including the use of Images or other images, on Social Media;

f) the making of offers or promotions on Social Media;

g) the use of advertising or marketing agencies, consultants, web designers, web developers, or third party services or products to post, manage, coordinate, review, or approve content/images and/or appearance and/or function, including the use of any images or Images, on Social Media;

h) Social Media and search engine optimization;

i) the use of Images or any other image, "found on the internet" or "found on Social Media";

j) "re-pins", "re-tweets", "shares", or otherwise using content or any images made available through Social Media by third parties; or,

k) copyright to content or any images on Social Media made available by third parties or otherwise found through Social Media or on the internet.

10. Any and all documents relating or referring to Marriott's or Franchisee's rights, duties, obligations, agreements (including user agreements and terms of service), policies, guidelines, directives, or procedures on Commercial Website, specifically on:

a) the creation, establishment, maintenance, appearance, management or control of Commercial Website;

b) the linking (whether directly or by link, hyperlink, framing, or otherwise) of Commercial Website to Social Media, including the use of hyperlinks or icons for linking to Social Media;

c) licenses for content or images used on Commercial Website;

d) implementation or coordination of marketing or advertising, including the use of Images or other images, on Commercial Website;

e) the making of offers or promotions on Commercial Website;

f) the use of advertising or marketing agencies, consultants, web designers, web developers, or third party services or products to create, manage, maintain, coordinate, review, or approve of content/images and/or appearance and/or function, including the use of images or Images, on Commercial Website;

g) Commercial Website and search engine optimization;

h) the use of Images or any other image on Commercial Website that was "found on the internet" or "found on Social Media";

i) copyright to content, including images, on Commercial Website.

11. Any and all documents relating to information obtained at hotel conventions or other meetings relating or referring to posting, "re-pins", "re-

pinning", "re-tweets", "re-tweeting", "shares", or "sharing" of any images on Pinterest.com or on Social Media.

12. Any and all documents which discuss the concept that Marriott, Franchisee, or Hotel Properties is permitted to "re-pin" or otherwise use, post, share or distribute images on Pinterest.com or Social Media without authorization or license from the copyright holder.

13. Any and all documents relating or referring to the management or control of hotel reservations made from or using web pages containing URLs "courtyardwaikiki.com"; "courtyardkauai.com"; "marriott.com/hnmmk"; "marriott.com/hotels/travel/lihku-courtyard-kauai/"; "waikoloamarriott.com";

"marriott.com/hotels/travel/koamc-waikoloa-beach-marriott-resort-and-spa/"; or, other web page for Hotel Properties.

14. All documents (including, but not limited to, financial records, profit and loss statements, and system inquiries) which set forth profits, revenues, product costs, product development costs, administrative costs, and/or shared costs, whether received, incurred, or projected, relating to Social Media, including but not limited to Marriott or Franchisee accounts for Hotel Properties at "pinterest.com/cywaikiki/"; "facebook.com/CourtyardWaikiki"; "facebook.com/CYMaui"; "facebook.com/courtyardkauai"; "pinterest.com/WaikoloaBeachMH/"; "twitter.com/WaikoloaBeachMH"; or, other accounts or web pages related to Hotel Properties.

15. Any and all documents relating or referring to Marriott's, Franchisee's, or Hotel Properties' strategy, goals, business model, projections, analysis of Social Media, including:

a) the purpose or benefit of marketing or advertising on Social Media;

b) the purpose or benefit of using images or photographic works, including Images, in marketing or advertising on Social Media;

c) user views, traffic, interest, clicks, "Likes", "Pins", "Followers" or "Shares", or other user action, on Social Media;

d) customer traffic from Social Media to Commercial Website;

e) hotel bookings related to Social Media;

f) search engine optimization;

g) use of images, including Images, to generate user views, traffic, interest, clicks, “Likes”, “Pins”, “Followers” or “Shares” on Social Media;

h) coordination of Social Media with Commercial Website;

i) brand awareness or goodwill; or,

j) the posting user content or images found on Social media or on the internet (including “posts”, “pins”, “re-pins”, “shares”, “tweets” or “re-tweets” or other similar user action) on Social Media.

16. All documents (including, but not limited to, financial records, profit and loss statements, and system inquiries) which set forth profits, revenues, product costs, product development costs, administrative costs, and/or shared costs, whether received, incurred, or projected, relating to Commercial Website, including, but not limited to, URLs “marriott.com”; “courtyardwaikiki.com”; “courtyardkauai.com”; “marriott.com/hnmmk”; “marriott.com/hotels/travel/lihku-courtyard-kauai/”; waikoloamarriott.com”; “marriott.com/hotels/travel/koamc-

waikoloa-beach-marriott-resort-and-spa/"; or, other web pages for Hotel Properties.

17. All documents that have been or will be provided to any of Marriott's expert witnesses.

18. Deposition transcripts, declarations, affidavits or other sworn testimony or other sworn statements by Pinterest Inc. Software Engineer/employee Yongsheng Wu.

19. Any and all documents relating or referring to, or consisting of, communications with Pinterest.com or Pinterest Inc. or any person affiliated with Pinterest.com or Pinterest Inc., specifically including, but not limited to, communications to and from Pinterest Inc. Software Engineer/employee Yongsheng Wu.

20. Any and all documents relating or referring to, or consisting of, communications to and from any user on Pinterest.com concerning Images.

21. Any and all documents relating or referring to Marriott's and Franchisee's policies concerning the hiring of professional photographers and models, and policies or directives concerning the use of photographers and models.

22. Any and all documents relating or referring to Marriott's and Franchisee's policies concerning licensing images or photographs for use on the internet, including, but not limited to, use on Commercial Website and Social Media.

TIME AND PLACE OF PRODUCTION:

Plaintiff requests that the documents and other things requested above be produced at the offices of Plaintiffs' counsel, Paul Maki, 888 Mililani Street, 8th Floor, Honolulu, Hawai'i 96813 on November 3, 2014, at 9:00 a.m. Electronically stored records may be produced in commonly readable format on USB removable drive, CD, or DVD.

DATED: Honolulu, Hawaii, October 2, 2014.

J. STEPHEN STREET
PAUL MAKI
DANE ANDERSON
Attorneys for Plaintiffs

EXHIBIT 1

EXHIBIT 1

Vincent Khoury Tylor Image: "O-15 Waikiki Skyview"

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

VINCENT KHOURY TYLOR and	)	CIVIL NO. 14-00069 JMS-RLP
VINCENT SCOTT TYLOR,	)	(Copyright Infringement)
	)	
Plaintiffs,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
MARRIOTT INTERNATIONAL, INC.,	)	
a Delaware Corporation, dba	)	
COURTYARD BY MARRIOTT	)	
WAIKIKI BEACH and/or	)	

COURTYARD WAIKIKI BEACH;)
JOHN DOES 1-10; JANE DOES 1-10;)
DOE CORPORATIONS 1-10; DOE)
PARTNERSHIPS 1-10; and DOE)
ASSOCIATIONS 1-10,)
)
Defendants.)
_______________________________)

CERTIFICATE OF SERVICE

I hereby certify that two (2) true and correct copies of Plaintiff's First Request for Production of Documents and Things and Exhibit 1 were served on the following on the date and via the means noted below:

Served by Hand Delivery:

LOUISE K. Y. ING, Esq.
GLENN T. MELCHINGER, Esq.
ROBERT J. MARTIN, JR., Esq.
ALSTON HUNT FLOYD & ING
1001 Bishop Street, Suite 1800
Honolulu, Hawai`i 96813

Attorneys for Defendant MARRIOTT INTERNATIONAL, INC.

DATED: Honolulu, Hawaii, October 2, 2014.

J. STEPHEN STREET
PAUL MAKI
DANE ANDERSON
Attorneys for Plaintiffs